



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 5, 1998

Ms. Linda Raven  
Executive Director  
Austin-Travis County  
Livestock Show & Rodeo  
P.O. Box 9876  
Austin, Texas 78766-0876

OR98-1854

Dear Ms. Raven:

On behalf of the Austin-Travis County Livestock Show & Rodeo ("ATCLS"), you ask whether certain information is subject to required public disclosure under the Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 117277.

ATCLS received a request for the names of "livestock buyers and their respective addresses in connection with the 1998 livestock auction," as well as information concerning available scholarships. You assert that ATCLS is not a governmental body subject to the act. In the alternative, you assert that the buyers' names and addresses are excepted from required public disclosure based on privacy.

The act applies to "governmental bodies" as that term is defined in section 552.003(1)(A) of the Government Code. That section contains the following description of an entity as within the meaning of a "governmental body":

The part, section, or portion of an organization, corporation, commission, committee, institution, or agency that spends or that is supported in whole or in part by public funds.

"Public funds" means funds of the state or of a governmental subdivision of the state. Gov't Code § 552.003(5).

You inform us that ATCLS is a nonprofit corporation. ATCLS' mission "is to serve the educational needs of the youth of Travis County through scholarships, cash awards, and a variety of learning opportunities." You inform us that although ATCLS is supported almost entirely by private funds, in 1998, ATCLS received a \$100,000 restricted grant from the Lower Colorado River Authority (the "LCRA"), which is a governmental subdivision of the state. Based on this representation, we assume that, other than the LCRA grant, you do not receive any other public funds.

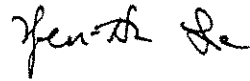
Based on these facts, we believe ATCLS receives "public funds." It is however unclear whether ATCLS is "supported" by these funds. Decisions of this office have found that an entity receiving public funds to be a governmental body under the act unless its relationship with the governmental body imposes "a specific and definite obligation . . . to provide a measurable amount of service in exchange for a certain amount of money as would be expected in a typical arms-length contract for services between a vendor and purchaser. *See, e.g.*, Open Records Decision Nos. 602 (1992), 228 (1979). In Open Records Decision No. 602 (1992), this office examined the Dallas Museum of Art ("DMA"), which received partial funding from the City of Dallas (the "city") in exchange for the DMA's obligation to care for and preserve the city's art collection and to maintain, operate, and manage the art museum. The decision determined that the nature of the services the DMA provided the city could not be known, specific, or measurable. Thus, to the extent the DMA received the city's support, the DMA was a governmental body subject to the act. *See* Open Records Decision No. 602 (1992) at 5. Accordingly, only documents relating to those sections of the DMA that are supported by public funds were found to be public documents subject to the act. *Id.* Documents related to areas of the DMA that are not supported with public funds are not subject to the act. *Id.*

Based on the information you have provided, we are unable to determine whether ATCLS has a *quid pro quo* relationship with the LCRA wherein ATCLS is providing a specific and measurable amount of service in exchange for the public funds it receives or whether the grant was simply a gift to ATCLS. The resolution of this issue is determinative of whether ATCLS is a governmental body as to only that portion of ATCLS' operation supported by public funds. Because the grant was used only for the construction of a parking lot and storage building, those records pertaining to the parking lot and storage building may be subject to the act if it is determined that ATCLS is a governmental body. We need not make that determination here because the requested information for buyers' names and addresses does not relate to that portion of ATCLS that is supported with public funds. Thus, even assuming that ATCLS is a governmental body to the extent that it receives public funds, the requested information here is not subject to the act because the information does not pertain to that portion of ATCLS that would be subject to the act. Therefore, you need not comply with the act for this request.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Yen-Ha Le".

Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref.: ID# 117277

cc: Ms. Tammy Dew  
4706 Frontier Trail  
Austin, Texas 78745  
(w/o enclosures)